

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 In re: Koos Enterprises LLC et al., Nebraska
4 District Court of Adams County Case
5 Number D14 CI 18-0000288

Case No.: 2:18-cv-001285-JAD-CWH

6 **Order Remanding Case**

7 James John Jorissen, Marvin Hughes, and Kathleen Bonnell have filed notices of removal
8 of this case from the Nebraska District Court of Adams County, Case Number D14 CI 18-
9 0000288. The removal statutes authorize a defendant to remove a state-court case to federal
10 court only by “fil[ing] in the district court of the United States for the district and division within
11 which such action is pending.”¹ That district must have original jurisdiction over the action and
12 be the one “embracing the place where [the state-court] action is pending.”² Courts strictly
13 construe the removal statutes against removal jurisdiction.³

14 Based on the (very limited) removal filings, it appears that the proper court to remove this
15 case to was the United States District Court for the District of Nebraska, not the United States
16 District Court for the District of Nevada. The Nevada District Court is not a court embracing
17 Adams County, Nebraska. “When a party removes a case to the improper federal district court,
18 that district court’s appropriate response should be to remand the case back to state court”⁴
19 Because this case has been removed to the wrong district court,

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21 ¹ 28 U.S.C. § 1446.


22 ² 28 U.S.C. § 1441(a).

23 ³ See *Gaus v. Miles, Inc.*, 980 F. 2d 564, 566 (9th Cir. 1992).

⁴ *Maysey v. CraveOnline Media, LLC*, 2009 WL 3740737 (D.Ariz. 2009) (citing *Addison v. North Carolina Dept. of Crime and Public Safety*, 851 F. Supp. 214, 216 (M.D.N.C. 1994); *Willingham v. Creswell–Keith, Inc.*, 160 F. Supp. 741, 743 (W.D.Ark. 1958).

1 IT IS HEREBY ORDERED that this case is REMANDED back to the Nebraska District
2 Court of Adams County, Case Number D14 CI 18-0000288, and the Clerk of Court is directed to
3 CLOSE THIS CASE.

4 Dated: July 19, 2018

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6 U.S. District Judge Jennifer A. Dorsey
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